

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KERRON JACK,	:	
	:	
Petitioner,	:	
	:	21-CV-10958 (VSB)
-against-	:	
	:	
	:	<u>ORDER</u>
THOMAS R. DECKER. et al.,	:	
	:	
Respondent.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

On August 19, 2022, Magistrate Judge Robert W. Lehrburger issued a Report and Recommendation (“Report”) recommending that I grant Petitioner Kerron Jack’s petition for a writ of habeas corpus pursuant to 28 U.S.C. §§ 2254 and 1651, and Article I, Section 9 of the United States Constitution to the extent that he be given a second bond hearing. (Doc. 16.) The Government submitted its objections to the Report on September 1, 2022. (Doc. 17.)

When a party timely objects to a Report, a district judge must “make a *de novo* determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” *United States v. Romano*, 794 F.3d 317, 340 (2d Cir. 2015) (quoting 28 U.S.C. § 636(b)(1)). After its review, the district court may then “accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” *Id.*; *see also* 28 U.S.C. § 636(b)(1). “Even where exercising *de novo* review, a district court ‘need not . . . specifically articulate its reasons for rejecting a party’s objections or for adopting a magistrate judge’s report and recommendation in its entirety.’” *Bush v. Colvin*, 15 Civ. 2062 (LGS) (DF), 2017 WL 1493689, at *4 (S.D.N.Y. Apr. 26, 2017)

(alteration in original) (quoting *Morris v. Local 804, Int'l Bhd. of Teamsters*, 167 F. App'x 230, 232 (2d Cir. 2006) (summary order)).

Based on a *de novo* review of the relevant factual record, the Report, Respondent's Objections, and applicable legal authorities, the Report is adopted in its entirety. I now issue this short order adopting the Report granting Jack's petition for a writ of habeas corpus to the extent that he be given a second bond hearing but denying the petition in all other respects. This Order will be followed by a detailed Opinion & Order stating my reasoning and findings. Accordingly, it is hereby


ORDERED that the Government's objections are OVERRULED, and the Report is ADOPTED in its entirety.

IT IS FURTHER ORDERED that Petitioner's Writ for Habeas Corpus is GRANTED insofar as he be given a second bond hearing to determine whether his continued detention is justified.

IT IS FURTHER ORDERED that the Government take Petitioner before an immigration judge for an individualized bond hearing within 10 calendar days of this Order to determine whether his continued detention is justified. At that hearing, Petitioner will bear the initial burden of establishing by a preponderance of the evidence that his circumstances have materially changed since his last bond hearing on June 26, 2020. *See Vallejo v. Decker*, No. 18-CV-5649, 2018 WL 3738947, at *6 (S.D.N.Y. Aug. 7, 2018).

SO ORDERED.

Dated: November 8, 2022
New York, New York


Vernon S. Broderick
United States District Judge